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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,189	11/20/2002	Glenda Joyce	070-011	2308

7590

09/27/2005

John G. Chupa  
Law Offices of John Chupa & Associates, P.C.  
Suite 50  
28535 Orchard Lake Rd.  
Farmington Hills, MI 48334

EXAMINER

HOPKINS, ROBERT A

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/380,189	<b>Applicant(s)</b> JOYCE ET AL.	
	<b>Examiner</b> Robert A. Hopkins	<b>Art Unit</b> 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 7-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

*RD*

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### **DETAILED ACTION**

Examiner respectfully requests applicant provide separate claims pages, separate specification, and separate drawings in the next correspondence to provide for a form which is acceptable for current U.S. patent practice. Examiner also respectfully requests applicant provide the proper section headings(Background of the Invention , etc) in the specification. See Neff(6244720).

### ***Information Disclosure Statement***

Examiner also notes that several references have been indicated as A type references in the international search report dated April 30, 1998, however an information disclosure statement listing the references and including copies of the foreign documents with US translations has not been provided. Therefore, in order to have the references considered by examiner, a proper information disclosure statement needs to be filed in the next correspondence.

### ***Claim Objections***

Claims 7-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependant claim. Examiner notes claims 7,8,9,10, and 12 all depend on multiple dependant claim 4. Claim 11 depends on claim 10 and claim 13 depends on claim 12 See MPEP § 608.01(n). Accordingly, the claims not been further treated on the merits.

### ***Allowable Subject Matter***

Claims 1-6 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 recites "... a filter(13) extending circumferentially so that air passing through the fan(12) and being propelled away by the fan passes through the filter so that contaminants are removed by the filter; and an air discharge(60) including a discharge path(61) for air being propelled by the fan, the discharge including flow deflecting means(62) provided by the body(11) to deflect air flowing outwardly from the fan in an upwards direction". Diskin et al(4849862) teaches a combined light source and air purifier unit including a body, a centrifugal fan mounted by the body and having an axis which is upright, the centrifugal fan having a central intake through which air containing contaminants can be drawn from below the unit, a light source mounted by the body located radially outside the intake of the centrifugal fan, and a filter extending circumferentially so that air passing through the fan and being propelled away by the fan passes through the filter, and an air discharge. However, Diskin et al is silent as to an air discharge including a discharge path for air being propelled by the fan, the discharge including flow deflecting means provided by the body to deflect air flowing outwardly from the fan in an upwards direction. Child(2082441) teaches an air conditioner having a centrifugal fan and a filter (60) mounted upstream of the centrifugal fan, and a deflection collar(22) to deflect air flowing outwardly from the fan in an upwards direction. However, Child does not teach a filter surrounding the centrifugal fan, and it would not have been obvious to someone of ordinary skill in the art to provide a deflecting means on the body(lower plate member 2) of Diskin et al because such a modification would

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teach against the perpendicular exit of the airflow of Diskin et al. Examiner notes Child teaches that the deflector deflects the discharge upwardly to counteract what would otherwise be a downward inclination of the discharged air, however the upper plate member(1) and lower plate member(2) clearly prevent any downward inclination of the airflow, therefore providing a deflector as taught by Child would seem to teach against the design of Diskin et al.

Neff(6244720) teaches a combined light source and air purifier unit including a body, a centrifugal fan mounted by the body and having an axis which is upright, the centrifugal fan having a central intake through which air containing contaminants can be drawn from below the unit, a light source mounted by the body located radially outside the intake of the centrifugal fan, and an air discharge. However, the filter of Neff is located upstream of the centrifugal fan and not extending circumferentially. Also, the discharge is perpendicular to the airflow direction exiting from the centrifugal fan. Also, the effective filing date of Neff is December 23, 1999, which does not predate the filing date of the foreign priority reference dated February 26, 1997, therefore Neff is not a proper 102(3) reference.

Claims 2-6 depend on claim 1 and hence are also allowed.

This application is in condition for allowance except for the following formal matters:

Claims 7-13 are improper multiple dependant claims as noted in the claim objections in the current office action.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

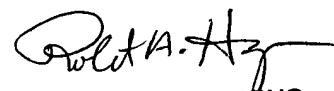
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH  
September 22, 2005

  
ROBERT A. HOPKINS  
PRIMARY EXAMINER  
A.U. 1724